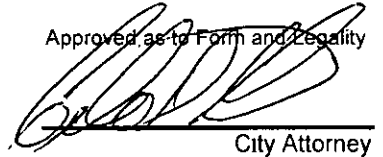


OAKLAND CITY COUNCIL



City Attorney

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RESOLUTION No. _____ C.M.S.

Introduced by Councilmember _____

CITY OF OAKLAND RESOLUTION TO ACCEPT THE 2012 METROPOLITAN TRANSPORTATION COMMISSION'S (MTC) REGIONAL MEASURE 2 SAFE ROUTES TO TRANSIT GRANT OF FIVE HUNDRED THIRTY-ONE THOUSAND DOLLARS (\$531,000.00) FOR THE UPTOWN BIKE STATION; COMPLY WITH REGIONAL MEASURE 2 POLICY AND PROCEDURES IN THE IMPLEMENTATION OF THE GRANT; AUTHORIZE THE CITY ADMINISTRATOR TO ENTER INTO A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE BAY AREA RAPID TRANSIT DISTRICT (BART) FOR SUPPORT OF THE OPERATIONS AND MANAGEMENT OF THE STATION; AND CONTRIBUTE OPERATING FUNDS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000.00)

WHEREAS, the City of Oakland (City) desires to encourage bicycle access to downtown Oakland by improving the safety and security of bicycle storage; and

WHEREAS, attended bike stations provide a secure place to store bicycles for long periods of time; and

WHEREAS, BART currently subsidizes bike stations in several locations throughout the system, including Fruitvale BART, MacArthur BART, and Downtown Berkeley; and

WHEREAS, the City's Bicycle Master Plan identifies the 19th Street BART station area as an important location for a bike station; and

WHEREAS, the Safe Routes to Transit grant program SB 916 (Chapter 715, Statutes 2004), commonly referred as Regional Measure 2, provides funds to implement projects which encourage improvements bicycle and pedestrian access to transit; and

WHEREAS, the City, jointly with BART, applied for and received a grant to construct the Uptown/19th Street Bike Station (Project) in the vicinity of the 19th Street BART station; and

WHEREAS, in order to implement the Project, BART and the City desire to complete a Memorandum of Understanding (MOU) outlining their responsibilities during both the construction and operations phases of the Project; and

WHEREAS, the MOU requires both BART and the City to directly fund any operating costs during the first five years of Project Operation, with a City of Oakland maximum contribution of Two Hundred and Fifty Thousand Dollars (\$250,000.00) over the five year period; and

WHEREAS, Regional Measure 2 identified projects eligible to receive funding under the

Regional Traffic Relief Plan; and

WHEREAS, the Metropolitan Transportation Commission (MTC) is responsible for funding projects eligible for Regional Measure 2 funds, pursuant to Streets and Highways Code Section 30914(c) and (d); and

WHEREAS, MTC has established a process whereby eligible transportation project sponsors may submit allocation requests for Regional Measure 2 funding; and

WHEREAS, allocations to MTC must be submitted consistent with procedures and conditions as outlined in Regional Measure 2 Policy and Procedures; and

WHEREAS, the City of Oakland is an eligible sponsor of transportation project(s) in Regional Measure 2, Regional Traffic Relief Plan funds; and

WHEREAS, the Uptown/19th Street Bike Station is eligible for consideration in the Regional Traffic Relief Plan of Regional Measure 2, as identified in California Streets and Highways Code Section 30914(c) or (d); and

WHEREAS, the Regional Measure 2 allocation request, attached hereto in the Initial Project Report and incorporated herein as though set forth at length, lists the project, purpose, schedule, budget, expenditure and cash flow plan for which the City of Oakland is requesting that MTC allocate Regional Measure 2 funds; now, therefore, be it

RESOLVED, that the City accepts the award of capital funds to construct the Project; and be it

FURTHER RESOLVED, that the City approves the Draft Memorandum of Understanding with BART, and instructs the City Administrator or her designee to finalize and sign this agreement, and be it

FURTHER RESOLVED, that the City dedicates funding to support bike station operations during the first five years of operation of the Project in an amount not to exceed Two Hundred and Fifty Thousand Dollars (\$250,000.00) from Measure B Bicycle and Pedestrian Funds: Fund (2212), Organization (30275), Project Number to be determined.

FURTHER RESOLVED that the City, and its agents shall comply with the provisions of the Metropolitan Transportation Commission's Regional Measure 2 Policy Guidance (MTC Resolution No. 3636); and be it further

FURTHER RESOLVED, that the City certifies that the project is consistent with the Regional Transportation Plan (RTP); and be it

FURTHER RESOLVED, that the year of funding for any design, right-of-way and/or construction phases has taken into consideration the time necessary to obtain environmental clearance and permitting approval for the project; and be it

FURTHER RESOLVED, that the Regional Measure 2 phase or segment is fully funded, and results in an operable and useable segment; and be it

FURTHER RESOLVED, that the City approves the updated Initial Project Report, attached to this resolution; and be it

FURTHER RESOLVED, that the City approves the cash flow plan, attached to this resolution; and be it

FURTHER RESOLVED, that the City has reviewed the project needs and has adequate staffing resources to deliver and complete the project within the schedule set forth in the updated Initial Project Report, attached to this resolution; and, be it

FURTHER RESOLVED, that the City is an eligible sponsor of projects in the Regional Measure 2 Regional Traffic Relief Plan, Capital Program, in accordance with California Streets and Highways Code 30914(c); and be it

FURTHER RESOLVED, that the City is authorized to submit an application for Regional Measure 2 funds for the Uptown/19th Street Bike Station in accordance with California Streets and Highways Code 30914(c); and be it

FURTHER RESOLVED, that the City certifies that the projects and purposes for which RM2 funds are being requested is in compliance with the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.), and with the State Environmental Impact Report Guidelines (14 California Code of Regulations Section 15000 et seq.) and if relevant the National Environmental Policy Act (NEPA), 42 USC Section 4-1 et. seq. and the applicable regulations thereunder; and be it

FURTHER RESOLVED, that there is no legal impediment to the City making allocation requests for Regional Measure 2 funds; and be it

FURTHER RESOLVED, that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City to deliver such project; and be it

FURTHER RESOLVED, that the City agrees to comply with the requirements of MTC's Transit Coordination Implementation Plan as set forth in MTC Resolution 3866; and be it

FURTHER RESOLVED, that the City indemnifies and holds harmless MTC, its Commissioners, representatives, agents, and employees from and against all claims, injury, suits, demands, liability, losses, damages, and expenses, whether direct or indirect (including any and all costs and expenses in connection therewith), incurred by reason of any act or failure to act of (agency name), its officers, employees or agents, or subcontractors or any of them in connection with its performance of services under this allocation of RM2 funds. In addition to any other remedy authorized by law, so much of the funding due under this allocation of RM2 funds as shall reasonably be considered necessary by MTC may be retained until disposition has been made of any claim for damages, and be it

FURTHER RESOLVED, that the City shall, if any revenues or profits from any non-governmental use of property (or project) that those revenues or profits shall be used exclusively for the public transportation services for which the project was initially approved, either for capital improvements or maintenance and operational costs, otherwise the Metropolitan Transportation Commission is entitled to a proportionate share equal to MTC's percentage participation in the project(s); and be it

FURTHER RESOLVED, that assets purchased with RM2 funds including facilities and equipment shall be used for the public transportation uses intended, and should said facilities and equipment cease to be operated or maintained for their intended public transportation purposes for its useful life, that the Metropolitan Transportation Commission (MTC) shall be entitled to a present day value refund or credit (at MTC's option) based on MTC's share of the Fair Market Value of the said facilities and equipment at the time the public transportation uses ceased, which shall be paid back to MTC in the same proportion that Regional Measure 2 funds were originally used; and be it

FURTHER RESOLVED, that the City of Oakland shall post on both ends of the construction site(s) at least two signs visible to the public stating that the Project is funded with Regional Measure 2 Toll Revenues; and be it

FURTHER RESOLVED, that the City of Oakland authorizes its City Administrator, or her designee to execute and submit an allocation request for the construction phase with MTC for Regional Measure 2 funds in the amount of up to \$531,000.00, for the project, purposes and amounts included in the project application attached to this resolution; and be it

FURTHER RESOLVED, that the City Administrator, or her designee is hereby delegated the authority to make non-substantive changes or minor amendments to the Initial Project Report as he/she deems appropriate; and be it

FURTHER RESOLVED, that a copy of this resolution shall be transmitted to MTC in conjunction with the filing of the City of Oakland application referenced herein.

SEP 17 2013

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, ~~REID~~ SCHAAF and PRESIDENT KERNIGHAN - 7

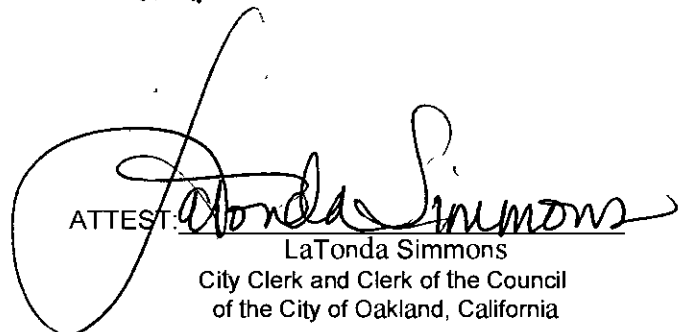
NOES - 0

ABSENT - 0

ABSTENTION - 0

excused - Reid - 1

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California